

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TORELL WALLACE, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )                           No. 4:16-CV-1563 CAS  
                        )  
RICHARD LISENBE, et al., )  
                        )  
Defendants           )

**MEMORANDUM AND ORDER**

This matter is before the Court on review of plaintiff's pro se complaint. The complaint is defective because it was filed jointly by three prisoners, and it was severed by Court Order dated October 3, 2016. [Doc. 2]

Accordingly, plaintiff Torell Wallace will be required to submit an amended complaint drafted on a court-provided form. *See* E.D. Mo. Local Rule 2.06(A). Additionally, plaintiff Wallace must either pay the full filing fee or file a motion to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a). If plaintiff chooses to proceed in forma pauperis, he will also be required to submit a certified copy of his prison account statement.

Plaintiff has thirty (30) days from the date of this Order to file an amended complaint in accordance with the specific instructions set forth herein. All claims in the action must be included in one, centralized complaint form. **Plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously filed pleadings, so plaintiff must include each and every one of the claims he wishes to pursue in the amended complaint.** *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). **Any claims from the original complaint, supplements, and/or**

**pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered.** *Id.*

The allegations in the amended complaint must show how each and every defendant is directly responsible for the alleged harms. If plaintiff wishes to sue defendants in their individual capacities, plaintiff must specifically say so in the amended complaint. If plaintiff fails to sue defendants in their individual capacities, this action may be subject to dismissal.

All of plaintiff's claims should be clearly set forth in the "Statement of Claim." If plaintiff fails to file an amended complaint on the Court's form within thirty (30) days and in compliance with the Court's instructions, or if plaintiff fails to pay the full filing fee or file a motion to proceed in forma pauperis within (30) days, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to mail plaintiff a copy of the Court's prisoner civil rights complaint form.

**IT IS FURTHER ORDERED** that the Clerk is directed to mail plaintiff a copy of the motion to proceed in forma pauperis form for prisoners.

**IT IS FURTHER ORDERED** that plaintiff must file an amended complaint on the Court's form within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that plaintiff must either pay the \$400 filing fee **or** submit a motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that if plaintiff files a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the complaint.

**IT IS FURTHER ORDERED** that if plaintiff fails to comply fully and timely with this Order, the Court will dismiss this action without prejudice and without further notice. If the case is dismissed for non-compliance with this Order, the dismissal will **not** count as a “strike” under 28 U.S.C. § 1915(g).



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 5th day of October, 2016.